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3 Eastern District of Washington  
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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

OCT - 5 2016

SEAN F. McAVOY, CLERK  
DEPUTY  
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA ) NO: 1:15-CR-2023-LRS  
11 )  
12 vs. ) DIVERSION AGREEMENT  
13 )  
14 GURDEV KOHLI )

16 It is alleged by an Indictment returned by the Grand Jury on March 10,  
17 2015, in Cause Number 1:15-CR-2023-LRS that GURDEV KOHLI committed  
18 the following offenses against the United States in the Eastern District of  
19 Washington:  
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21 Count 1: Distribution of a Controlled Substance (XLR11), in  
22 violation of Title 21, United States Code, Section 841(a)(1) and  
23 (b)(1)(C)

Counts 2-3: Money Laundering, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

Upon accepting responsibility for your behavior and by your signature on this Agreement, it appearing, after an investigation of the offenses and your

1 background, that the interests of the United States and your own interest and the  
2 interests of justice will be served by the following procedure, therefore:  
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4 On the authority of the Attorney General of the United States, by Michael  
5 C. Ormsby, United States Attorney for the Eastern District of Washington,  
6 prosecution in this District for this offense shall be deferred for a period of 12  
7 months from the date of the filing of this Agreement, provided you abide by the  
8 following conditions and the requirements of the Pre-Trial Diversion program  
9 set out below.  
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11 Should you violate any conditions of this supervision, the United States  
12 Attorney or his designee may revoke or modify any conditions of this Pre-Trial  
13 Diversion program or change the period of supervision for an additional period  
14 which shall in no case exceed 12 months from the original termination date of  
15 the diversion agreement. The United States Attorney may release you from  
16 supervision at any time. The United States Attorney may at any time within the  
17 period of your supervision reinitiate prosecution for this offense should you  
18 violate the conditions of this supervision and will furnish you with notice  
19 specifying the conditions of your program which you have violated. The  
20 decisions of the U.S. Attorney are made at his sole discretion and are not subject  
21 to challenge.  
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If, upon successful completion of the program and your period of supervision, a Pre-Trial Diversion report is received to the effect that you have complied with all the rules, regulations and conditions above mentioned, the pending indictment will be dismissed.

## CONDITIONS OF PRE-TRIAL DIVERSION

1. You shall not violate any law (federal, state and local). You shall immediately contact your Pre-Trial Diversion supervisor if arrested and/or questioned by any law enforcement officer for any reason including, but not limited to, traffic infractions. A traffic infraction, other than driving under the influence, will not be deemed to be a violation of this agreement.

2. You shall be employed regularly at a lawful occupation or otherwise comply with the terms of the special program described below. In the absence of a special program, when out of work, you shall notify your diversion supervisor at once. You shall consult him/her prior to job changes. In the event you are self-employed, you shall permit your diversion supervisor and/or his /her designee to review all books, accounts, receipts, and/or tax records kept or maintained in connection with said self-employment.

3. You shall continue to live in the judicial district in which you currently reside. If you desire to move out of the district, you shall obtain permission from

1 your diversion supervisor so that the appropriate transfer of program  
2 responsibility can be made prior to your relocation.

3           4. You shall report to your diversion supervisor as directed and keep  
4 him/her informed of your whereabouts. Any failure to abide by the meeting or  
5 reporting requirements established by your diversion supervisor will be deemed  
6 to be an irrevocable violation of the instant Agreement.

7           5. You shall obtain and maintain, if legally possible, a valid driver's  
8 license and the appropriate vehicle insurance.

9           6. You shall not possess a firearm.

10          7. You agree to comply with drug and alcohol treatment as recommended  
11 by your diversion supervisor.

12          8. You shall not possess, control and/or consume any controlled  
13 substance, which includes marijuana, ~~or items commonly used for the~~  
14 ~~consumption of such substances (drug paraphernalia)~~, or be in any place where  
15 such substances are located, controlled and/or consumed.

16          9. You shall submit to random urinalysis upon the request or at the  
17 direction of your diversion supervisor.

18          10. You shall strive to achieve the desired goals of the program.

1 I, GURDEV KOHLI, assert and certify that I am aware of the fact that the Sixth  
2 Amendment to the Constitution of the United States provides that in all criminal  
3 prosecutions the accused shall enjoy the right to a speedy and public trial. I also  
4 am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides  
5 that the Court may dismiss an indictment, information, or complaint for  
6 unnecessary delay in presenting a charge to the Grand Jury, filing an  
7 information, or in bringing a defendant to trial. I hereby request that the United  
8 States Attorney for the Eastern District of Washington defer any prosecution of  
9 me for Count 1, Distribution of a Controlled Substance (XLR11), in violation of  
10 Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Counts 2-3,  
11 Money Laundering, in violation of Title 18, United States Code, Sections  
12 1956(a)(1)(A)(i) and 2, for a period of 12 months, and to induce him to defer  
13 such prosecution I agree and consent that any delay from the date of this  
14 Agreement to the date of the initiation of the prosecution, as provided for in the  
15 terms expressed herein, shall be deemed to be a necessary delay at my request  
16 and I waive any defense to such prosecution on the ground that such delay  
17 operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal  
18 Procedure and the Sixth Amendment to the Constitution of the United States to a  
19 speedy trial or to bar the prosecution by reason of the running of the statute of  
20 limitations for the effective period of this Diversion Agreement.  
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I hereby state that the above has been read by me and explained to me by my attorney. I understand the conditions of my Pre-Trial Diversion and agree that I will comply with them.

**Approvals and Signatures**

  
GURDEV KOHLI  
Defendant

10-5-16  
Date

  
RICHARD A. SMITH  
Attorney for Defendant

10-5-16  
Date

  
BENJAMIN D. SEAL  
Assistant United States Attorney

10-5-16  
Date

PROBATION OFFICER

\_\_\_\_\_  
Date

APPROVED without passing judgment on the merits or wisdom of this diversion.

  
LONNY R. SUKKO  
United States District Court Judge

October 5, 2016  
DATE